

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN

&

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

THURSDAY, THE 13TH DECEMBER 2007 / 22ND AGRAHAYANA 1929

MACA.No. 1836 of 2006()

OPMV.415/2000 of ADDL.MOTOR ACCIDENT CLAIMS TRIBUNAL, ERNAKULAM
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: APPELLANT/PETITIONER

P.K.ABDUL KAREEM,
AGED 62 YEARS, S/O.KUNJIPPA RAWTHER,
XII/797, SOUTH OF MOSQUE, KAMBIVELIKKAKAM COLONY,
PADAMUGAL, KAKKANAD WEST P.O., COCHIN-30.

BY ADV. SRI.R.SUDHISH
SMT.M.MANJU

RESPONDENTS: RESPONDENTS

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1. THE PARTNER,
M/S.MAHAVIR ENTERPRISES, 40/7704,
CHITTOOR ROAD, PULLEPADY JUNCTION,
COCHIN-35.
 2. H.J.MANOJ KUMAR, S/O.JANANRDHANAN,
X/1640, NEAR AMMANKOVIL, AMARAVATHY,
COCHIN-1.
 3. NATIONAL INSURANCE CO.LTD.,
BY ITS REGL. MANAGER, REGL.OFFICE,
MUTHOOT TOWERS, M.G.ROAD, COCHIN 35.

BY ADV. SRI.G.RAJAGOPAL
SRI.THOMAS M.JACOB
SMT.N.RENJINEE DEVI

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION
ON 13/12/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

**K.S. Radhakrishnan &
T.R. Ramachandran Nair, JJ.**

M.A.C.A.NO.1836 OF 2006

Dated this the 13th day of December, 2007

JUDGMENT

Radhakrishnan, J.

Claimant is the appellant. The accident is not disputed; so also the insurance coverage. The only question is whether the amount of compensation awarded is just and proper. Learned counsel appearing for the appellant submitted that no amount has been awarded for permanent disability. We cannot find fault with the Tribunal, because no disability certificate was produced and no oral evidence was adduced by the claimant. Even the claimant did not enter the box. In the absence of any evidence, the Tribunal cannot be found fault with for not awarding any amount towards permanent disability. Ext.A3 is the wound certificate which would indicate only tenderness over lumbar region. Further, the claimant was treated in the hospital only from 10.7.1999 to 19.7.1999. The medical bills produced were only for the amount of Rs.1,494.62, for which an amount of Rs.1,500/- was awarded by the Tribunal. In such circumstances, we are not prepared to say that the Tribunal has been in error in awarding the amount of compensation. We are of the view that the compensation awarded is fair

and reasonable. The appeal is accordingly dismissed.

(K.S. Radhakrishnan, Judge.)

(T.R. Ramachandran Nair, Judge.)

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